

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

BARBARA FRIERSON,

Plaintiff,

v.

No. 04-CV-1120
(FJS/DRH)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**DAVID R. HOMER
U.S. MAGISTRATE JUDGE**

REPORT-RECOMMENDATION AND ORDER

Plaintiff pro se Barbara Frierson ("Frierson") commenced this action pursuant to 42 U.S.C. § 405(g) seeking review of the decision of defendant Commissioner of Social Security denying her benefits. Defendant first sought to obtain the stipulation of Frierson reversing defendant's denial of her application for benefits and remanding this matter to the Commissioner. Docket No. 8. When Frierson failed to respond, defendant moved this Court for an order granting such relief. Docket No. 9. Frierson has not opposed the motion.

Good cause appearing for defendant's motion and without opposition, it is hereby

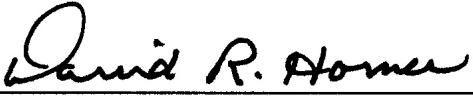
RECOMMENDED that defendant's motion (Docket No. 9) be **GRANTED** and that defendant's denial of Frierson's application for benefits be **REVERSED** and this matter **REMANDED** to the Commissioner.

Pursuant to 28 U.S.C. § 636(b)(1), the parties have ten days within which to file written objections to the foregoing report. Such objections shall be filed with the Clerk of the Court. **FAILURE TO OBJECT TO THIS REPORT WITHIN TEN DAYS WILL**

PRECLUDE APPELLATE REVIEW. Roldan v. Racette, 984 F.2d 85 (2d Cir. 1993) (citing Small v. Sec'y of Health and Human Servs., 892 F.2d 15 (2d Cir. 1989)); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(e).

IT IS SO ORDERED.

DATED: September 29, 2006
Albany, New York



United States Magistrate Judge